

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

**ROBYN BASSETT AND
AMANDA STOOTTS**

CIVIL ACTION NO. 2:20-cv-00295

VERSUS

JUDGE CAIN

CITY OF LEESVILLE, ET AL

MAGISTRATE JUDGE KAY

**JOINT MOTION TO STAY PROCEEDINGS TO FACILITATE
THE FILING OF AMENDED COMPLAINTS AND RESPONSIVE PLEADINGS,
INCLUDING DEFENDANTS' MOTIONS TO DISMISS**

NOW INTO COURT, through undersigned counsel, come Plaintiffs, Robyn Bassett and Amanda Stoots ("Plaintiffs"), and Defendants, City of Leesville, Louisiana, Mayor Rick Allen, Patti Larney, James Chris Fox and Jim Doulin ("Defendants"), who file this Joint Motion to Stay these Proceedings to Facilitate the Filing of Amended Complaints and Responsive Pleadings, Including Defendants' Motions to Dismiss ("Joint Motion") and in support of this Joint Motion respectfully represent as follows:

1.

On March 6, 2020, Plaintiffs filed their original Complaint against Defendants. On June 1, 2020, the Defendants filed Motions to Dismiss. On June 15, 2020, Plaintiffs filed an Amended Complaint. It is anticipated that Plaintiffs will be filing a Second Amended Complaint upon receipt by Plaintiffs of the Right-to-Sue letters in connection with the Plaintiffs' prior EEOC filings. Plaintiffs intend to request Right-to-Sue letters upon the expiration of the EEOC's 180-day investigatory period, which concludes on July 31, 2020.

2.

The Parties jointly ask the Court to stay this action to allow the Plaintiffs time to file a Second Amended Complaint, and allow the Defendants time to file responsive pleadings, including Defendants' Motions to Dismiss. It is the belief of counsel that the Amended Complaint filed by Plaintiffs pursuant to FRCP 15(a)(1)(B) is a superseding complaint which, in essence, arguably renders the defendants' Motions to Dismiss filings moot, which, in turn, will require Defendants to re-file their respective Motions to Dismiss vis-a-vis the Amended Complaint. Further, Plaintiffs intend to file a Second Amended Complaint upon receipt of the Right-to-Sue letters from the EEOC which will be likely issued to Plaintiffs in early August, 2020.

3.

Accordingly, in an effort to save legal expense, keep the Court's docket clear from having to decide potentially duplicative and procedurally deficient assertions/claims/defenses in view of superceding pleadings, and to best maintain and preserve judicial economy, Plaintiffs and Defendants jointly move and request that this action be stayed until Plaintiffs receive their Right-to-Sue letters and the Second Amended Complaint is thereafter filed. Defendants will thereafter each file their respective "supplemental and amended" Motion to Dismiss, thereby placing this matter in a more orderly posture for this Honorable Court to consider all of the Motions more efficiently and all at the same time, along with the associated opposition and reply briefs to follow. In addition, the parties have agreed that to the extent that the previously-filed Motions to Dismiss have not been rendered moot by the filing of the Amended Complaint, the Plaintiffs need not file an opposition memorandum to Defendants' Motions to Dismiss which were filed in response to Plaintiffs' original Complaint. Further, the deadline for Defendants to file responsive

pleadings to the Plaintiffs' Amended Complaint is specifically subject to this request for stay order, and therefore, the parties have agreed that Defendants are not under any deadline to file responsive pleadings to the Plaintiffs' Amended Complaint, and that Defendants time to respond to the Amended Complaint shall be the same deadline in which to file responsive pleadings to the Plaintiffs' Second Amended Complaint.

4.

The parties further submit that a stay of this action would promote judicial efficiency and conserve the resources of the Court and the Parties. Further, a stay of this action could avoid the filing of multiple, but similar, motions to dismiss, in response to the Original, Amended and Second Amended Complaints, and the need for Plaintiffs to prepare and file separate opposition memoranda to multiple sets of similar motions to dismiss filed by each Defendant.

5.

Sixty (60) days after entry of the stay, if Plaintiffs have not yet filed their Second Amended Complaint, the Parties will file a joint status report to apprise the Court of the status of the procedural posture of this matter.

6.

The Parties agree that this action should be stayed pending the filing of the Second Amended Complaint upon receipt by Plaintiffs of the Right-to-Sue letters, which will result in the conservation of Judicial resources, resources of the Parties, and avoid the filing of duplicative pleadings.

7.

The requested stay is sought in good faith and not for the purpose of unnecessarily delaying or hindering the determination of this action.

WHEREFORE, Plaintiffs, Robyn Bassett and Amanda Stoots, and Defendants, City of Leesville, Louisiana, Mayor Rick Allen, Patti Larney, James Chris Fox and Jim Doulin, pray that this Court grant this Joint Motion and all other appropriate relief.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I, JOSEPH B. STAMEY, do Hereby Certify that I have on this 23rd day of June, 2020, caused true and correct copies of the Joint Motion to Stay Proceedings to be served upon all counsel of record in a manner authorized by law, including email and via the CM/EDF system.

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